

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

20 JUL 30 PM 3:05

UNITED STATES OF AMERICA

v.

JEROME GREENE

\*  
\*  
\*  
\*  
\*

CR 116-056

CLERK J. Hodge  
SO. DIST. OF GA.

---

O R D E R

---

On June 18, 2020, the Court denied Defendant Jerome Greene's motion to reduce his sentence under the compassionate release provision of 18 U.S.C. § 3582(c)(1)(A). The Court determined therein that Greene had not carried his burden of proof in the matter because he did not produce any medical evidence that he suffers from diabetes and hypertension. The Court therefore did not reach the issue of whether it would release him after required consideration of the sentencing factors of 18 U.S.C. § 3553(a). See 18 U.S.C. § 3582(c)(1)(A).

At present, the Government has filed a "Motion for Clarification" asking the Court to announce whether it would exercise its discretion and release Greene assuming his medical condition qualified as extraordinary and compelling in conjunction with the COVID-19 pandemic. That is, the Government now concedes that Greene meets the criteria of Application Note 1(A)(ii)(I) of U.S.S.G. § 1B1.13, the policy statement of the Sentencing

Commission in the implementation of compassionate release provision, in that under the circumstances of the COVID-19 pandemic, his medical condition qualifies as serious. In particular, the Government points out that type 2 diabetes places Greene at greater risk of becoming severely ill should he contract COVID-19.<sup>1</sup> See Centers for Disease Control & Prevention, People with Certain Medical Conditions, available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> (last visited on July 28, 2020).

First, the Court notes that while Greene's Presentence Investigation Report notes that he had been treated for diabetes (Type 2 controlled) and hypertension, the Court still does not have current medical records, or for that matter an approved release plan, to fully evaluate Greene's present circumstances. Even so, the Court will assume for the sake of the current motion that Greene would qualify as having a serious medical condition in the event he contracts COVID-19. In consideration of the sentencing factors of 18 U.S.C. § 3553(a), however, the Court concludes that a sentence modification is not warranted. Greene was involved in trafficking methamphetamine and involved his wife and stepdaughter in his criminal activity. Despite his refusal to

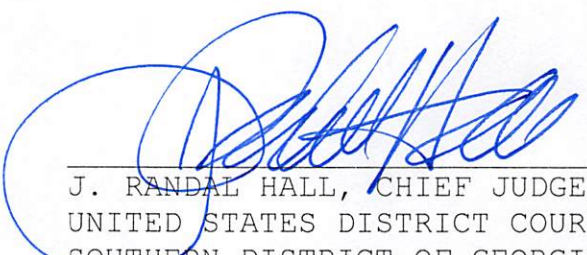
---

<sup>1</sup> Also, the CDC lists hypertension or high blood pressure as a condition that "might be" at an increased risk for severe illness from COVID-19. See id.

cooperate with law enforcement prior to the filing of this case, Greene received the benefit of a reduced sentence through a stipulation to drug quantity. The Government correctly represents that Greene has already received "considerable leniency and benefits." (Gov't Mot. for Clarification, Doc. 34, at 8.) Thus, a reduction in sentence at this point would not reflect the seriousness of his offense, promote respect for the law, provide just punishment, and afford adequate deterrence. Moreover, given the nature of the offense and Greene's criminal history, the Court cannot conclude that he does not pose a danger to the community. See U.S.S.G. § 1B1.13(2).

Upon the foregoing, the Government's motion for clarification (doc. 34) is **GRANTED** in that the Court makes clear that even if Greene presented medical evidence to demonstrate that he has a serious medical condition warranting compassionate release, the Court would exercise its discretion and decline to grant the sentence reduction upon consideration of the sentencing factors of 18 U.S.C. § 3553(a).

**ORDER ENTERED** at Augusta, Georgia, this 30<sup>th</sup> day of July, 2020.



J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA